

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FRANK PHILLIP KALITA, Jr.,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:07CV73  
(Judge Keeley)

FEDERAL BUREAU OF PRISONS;  
HARLEY LAPPIN, Director;  
WARDEN JOYCE FRANCIS;  
D. HEADY, Unit Manager;  
S. CARR, Case Manager;  
G. SHERWOOD, CCM Coord,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AS MOOT

Before this Court is the plaintiff's motion to reconsider this Court's order adopting the Report and Recommendation and dismissing this case. Upon contact with the Bureau of Prisons, the Court has learned that the plaintiff has already been released from custody. Consequently, the Court **DENIES** the motion (dkt. no. 31) **AS MOOT**.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and to transmit a copy to counsel of record.

Dated: March 5, 2008.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE